

This chapter describes the requirements and procedures for processing encroachment permit applications.

201 APPLICATION PROCEDURE

Applicants or their authorized representatives shall sign and submit an encroachment permit application request with the appropriate fees. In some instances, districts may accept a signed facsimile application, with the original forthcoming in the mail.

When Caltrans necessitates relocation of an existing utility, the District's Right of Way Branch initiates a "Notice to Owner," see Section 621, and forwards a copy to the permits office.

201.1 Application Forms

The Standard Encroachment Permit Application and all other forms are located in Appendix D. Documents that may be required in addition to the permit application are: surety bonds, liability insurance, environmental documentation, plans, location map, etc.

Applications for salvage, litter pickup, installation of tire chains, and roadside maintenance within Caltrans right of way are addressed in discussions of specific permits.

There are other application forms that are used for specific permits, as described in Chapters 5 and 6.

201.2 Permit Application Fee (Rev 05/07)

In accordance with Statute 671.1 the Department has established a fee schedule and charges a fee for the issuance of encroachment permits, except to public corporations. District permit offices shall not accept cash payment for permit fees or deposits required, all cash payments shall be made to the district cashier. If a permit application is submitted via US mail with a check, then the checked shall be logged and forwarded to the District Cashier's Office by the next business day.

1. Utility Permits (Rev 05/07)

Utility Companies have been granted deferred billing, and receive Progressive Billing statements from Headquarters Accounting on a monthly or quarterly basis. All staff, shall maintain records of their time expended on all permits on Encroachment Permit Report Forms (diaries), to assist the permit office in maintaining accurate records of all time expended on permits.

A Progress Billing/Permit Closure (TR-0129) is used to record all inspection costs, and is also used in closing out a permit file and must be signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable. It is then submitted to Headquarters Accounting Service Center for billing purposes.

2. Annual / Biennial Permits (Rev 01/07)

These permits are issued on a yearly or two-year basis. Fees for Annual / Biennial Permits are charged a minimal of two hours of review to recover the time expended in the office for processing and administration. This privilege allows public corporations, utility companies and in some cases private corporations (ex: survey permits) the feasibility of performing everyday routine tasks and installations (service installations, etc.) without having to apply continuously for a permit, this privilege is revocable at any time.

201.2A Fee Exempt (Rev 02/03)

The Encroachment Permit Fee Schedule (see Appendix H) shows how charges are assessed for the different types of permits and those permits which are exempt from fees. Contractors are to pay a fee under a double permit when working for an exempt agency (public corporation). An exception to this policy occurs when the project is subsidized with State and/or federal funds (see item 2 Administratively Exempt Permits). Fee exemption categories are listed as follows:

1. Statutorily Exempt Permits

Public corporations are legally exempt from encroachment permit fees. However, contractors working for public corporations are not exempt from fees (see Section 501.14). Public corporations are created for governmental purpose where the whole interest belongs to the government and may be billed for inspection costs if requested by them or authorized by a cooperative agreement. A private corporation is organized for private purposes and profit.

Examples of public corporations are listed as follows:

- Federal and State Government
- Counties
- Incorporated cities and towns
- All municipal corporations, including:
 - Community Service Districts
 - Road improvement districts
 - Irrigation districts
 - Reclamation districts
 - Utility districts
 - County water districts
 - Incorporated school districts
 - Sanitation and lighting districts
 - Special district libraries
- Agricultural associations

2. Administratively Exempt Permits

Some encroachment permit fees are waived by Department policy. These permits are referred to as *administratively exempt*. Headquarters approval shall be obtained for administratively exempt permits other than those listed below. Authority to waive fees is delegated to the districts under the following types of administratively exempt permits and activities:

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- Adopt-A-Highway Program
 - Airspace rental (AS permits)
 - Borrow or disposal areas used by a State contractor with approval in their contract to borrow or dispose within State highway right of way outside of contract limits
 - Crop identification signs installed through the California Farm Bureau Federation's Crop Identification Program
 - Double permits issued for projects subsidized with any State and/or Federal Highway Funds
 - Permits with a valid EA
 - Double permits for utility tree trimming
 - Entities with prior property rights providing for the encroachment (e.g. rail roads)
 - Environmental Enhancement projects
 - Flags of the United States and the State of California displayed on sidewalks
 - Landscape Maintenance LM Permits (see 506)
 - Locally funded project identification signs
 - Mail and newspaper delivery boxes or newspaper vending machines (MB Permits)
 - Permits for utility ownership that are installed by developers
 - Memorial/Historical plaques and Blue Star memorial highway markers authorized by legislative resolution, at approved location sites
 - Projects authorized by a Consent Letter (Appendix D)
 - Railroad crossing maintenance (RX Permits)
 - Required construction signs outside State or locally funded contract project limits
 - Salvage permit (Maintenance Loss Report)
 - State ordered utility relocation covered by a Notice to Owner issued by district Right of Way (UR Permits)
 - Transportation Art Program permits (AP permits)
 - Caltrans initiated rider (RD Permits)
 - Municipal Parades by nonprofit organizations (see Special Events Section 514.1) commemorating recognized governmental holidays (e.g., Federal, State, and Local). Any other parade or special event by a nonprofit organization shall require permit fees. With City/County support for this type of special event, the District Permit Engineer may issue a permit. Approval of the parade shall be as described in Section 514.1.

201.2B Fee Calculation (Rev 05/07)

Encroachment permit fees are calculated in the Fee Calculation Section on page two of the Standard Encroachment Permit Application.

The total encroachment permit fee is derived from all of the components listed as follows:

1. Hour (Administration and Inspection)
2. Standard Hourly Rate
3. Field Work
4. Bridge Tolls
5. Miscellaneous Fees

These components are described as follows:

1. Hours

The hours for review (administration) and inspection are established by one of two methods:

Set Fee Hours—**SF**

Actual Fee Hours--**AX**

Actual review hours include time expended for field review, and all time expended in processing and administration of the permit application. A minimum charge of one (1) hour applies to all permit applications and is included in the review hours shown on the Fee Schedule.

*[Note: The Accounting Service Center refers to Permit types as **SF** or **AX**.]*

Set Fee Hours (SF)

Numeric hours shown on the Fee Schedule for specific types of permits are set on the basis of experience. SF Permits have numeric predetermined fixed hours for both review and inspection time.

Districts are encouraged to change unusual permits from Set Fee (SF) to AX at the option of the permit engineer, but under no circumstances should the AX hours be less than the SF hours.

Actual Cost Permit Fee (AX)

AX Permits use the actual hours for project or activity review and inspection. The billing statement used to collect costs for services is an executed Progress Billing/Permit Closure (TR-0129) signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable. After the permit is issued, progress billings may be sent out for additional actual inspection hours worked.

Encroachment permits having an AX charge code require that a reasonable deposit for project review and inspection be collected at the time the permit application is submitted. The collection of costs for actual review hours expended is required before the permit is issued.

When the initial deposit for inspection fees is expended, subsequent inspection fees are collected as costs are incurred during the project or after project completion and before release of the bond.

AX permits are final billed from an executed Progress Billing/Permit Closure (TR-0129) signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable, indicating that it is for a final bill.

2. Standard Hourly Rate

Each fiscal year, Headquarters Accounting Service Center establishes the Standard Hourly Rate for calculating encroachment permit fees. This rate is derived from salaries and wages, operating expenses, and an overhead assessment.

The Standard Hourly Rate multiplied by the hours equals the item fee.

3. Field Work Fee (Anticipated by Caltrans Forces)

A typical example of fieldwork is a Maintenance crew or a Traffic Operations team performing traffic control. The permit engineer obtains an estimate of the hours from the Caltrans Unit(s) performing the work. This fee or deposit is collected after review and before the permit is issued. If there is a balance owed to the Department, payment is made at the conclusion of the fieldwork.

Unplanned costs resulting from spilled loads, traffic control, or emergencies such as project or traffic accidents, are recovered through a Loss Report (form 103, and 203) that is prepared by Maintenance and/or Traffic Management and is submitted to HQ Accounting Service Center for processing.

4. Bridge Toll Fee

Bridge toll charges typically are associated with a special event for permittee's use of a toll bridge. The toll fee is equivalent to that charged for a seven-axle truck. (See Special Events Section 514).

5. Miscellaneous Fees

Transportation Laboratory Inspection Cost

The fee for inspection work or laboratory testing by the Engineering Service Center, Office of Materials Engineering and Testing Services (METS), shall be at the standard hourly rate times the current "Standard Average Hours" published by the Transportation Laboratory. Districts with work not shown on the publication shall contact the Transportation Laboratory directly for an estimate.

Oversight Projects

Permits' staff hours for Oversight projects are charged directly to the projects expenditure authorization number (E.A.). Administration and inspection reimbursements for projects having multiple phases must pay costs associated with each project phase under the appropriate E.A. Check the agreement for a fee exemption; most sales tax and local projects are fee exempt.

Adding the item fees gives the total fee. The permit engineer records all hours and calculations on page two of the Standard Encroachment Permit Application form under "Fee Calculation." The permit engineer ensures review hours are reported on the Encroachment Permit Application Review form (Appendix D) and the Permit Engineering Evaluation Report (PEER) form (Appendix D).

201.2C Billing and Overdue Accounts (Rev 05/07)

When a progress payment or final payment for an encroachment permit project is due, the permit engineer sends a Progress Billing/Permit Closure (TR-0129) signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable, indicating the billing or refund information and a copy of the performance bond, if any, to Headquarters Accounting Service Center which then bills the permittee. Accounting also receives a copy of the Encroachment Permit Log form (TR-0111), which is used to chronologically log accepted permit applications, payments, and refunds. Log use is shown in Table 2.1.

Table 2.1
Permit Log Form Use

1. A copy of the log and all billing or refund requests, as listed on the log should be mailed weekly to Accounts Receivable in the Accounting Service Center. It is not necessary to begin a new log sheet each week after sending the copy.
2. Continue to use the first column for all encroachment permit numbers assigned to applications when they are accepted (logged in). These will be in chronological order from the beginning of each year. In the designated columns, enter the applicant's name, location of work, payment type, amount of any deposit/fee paid to the district cashier, and date logged in.
3. When a deposit/fee is paid to the district cashier at a later date, a refund is requested, or a billing document is sent to Accounts Receivable for progress/final billing, use the next available line on the current sheet. Use the second column to enter the permit number for the payment or billing. Use the sixth column for the amount of the billing or payment to the district cashier. Use the seventh column for the date payment was received by the cashier--for refunds, show a negative amount in the sixth column. No other columns need to be completed.

If the bill is not paid within 30 days, a past due notice will be sent to the permittee requesting payment within 30 days. After 60 days, a notice will be sent demanding payment within 15 days. At this time, Headquarters Accounting Service Center will send the third copy of the 60-day notice to the HQ Encroachment Permit Office. This notice copy is then sent to the appropriate district office. Each District Office will make a list of repeat applicants and notify them of unpaid fees and that any new permits will only be issued after resolution with Accounting.

If a performance bond was required for the work, Headquarters Accounting Service Center will attempt to collect the overdue amount from the bonding company before sending the account to a collection agency.

The account will be turned over to a collection agency after 90 days unless arrangements have been made through the Permit Engineer for payment of the account. The arrangements must be acceptable to Headquarters Accounting Service Center.

If a utility company does not pay its permit bills within 60 days, a deposit can be required for future permits instead of the deferred payment arrangement normally extended to utility companies. Also, bonding may be imposed (see Section 203.4 & Table 2.7).

201.3 Refunds (Rev 05/07)

Permit fees are based on Caltrans' costs to manage the encroachment permit program. A minimum cost of one hour's time at the current rate is retained as an application-processing fee when a refund is appropriate. An application that was inappropriately accepted by the permit office shall be totally refunded (Table 2.2 indicates the refund of permit fees when appropriate for various circumstances of permit applications). Refunds shall be documented on the Progress Billing/Permit Closure (TR-0129) signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable.

This should be sent to:

Headquarters Accounting Service Center
Attention: Office of Accounts Receivable/Program Accounting
Accounts Receivable Branch--Encroachment Permits

The date and amount of the original transaction, along with all account information, should be indicated on the Progress Billing/Permit Closure (TR-0129)

Table 2.2
Refunds of Permit Fees

Permit fees may be refunded as shown in this chart, depending upon the status of the permit application.	
<u>Status of Permit Application</u>	<u>Appropriate Refund</u>
A SF (Set Hours) permit is denied as a result of the review process.	The unexpended portion of the total fee collected for inspection, field work, bridge tolls, and miscellaneous fees.
An AX permit is denied as a result of the review process.	That portion of the deposit that represents collected but unexpended review and inspection fees.
The applicant cancels the permit application before a permit is issued.	The collected but unexpended review and inspection fees.
The permittee cancels the permit application after the permit is issued but before work has started.	That portion of the total fee collected that represents inspection and field work.
The permittee cancels the permit application after the permit is issued and after work has started.	None.

201.4 **Permit Number**

A permit number is assigned when an application is accepted as complete. Encroachment permit numbers conform to the following format:

<u>DISTRICT</u>	<u>YEAR</u>	<u>BILLING TYPE CODE</u>	<u>PERMIT TYPE CODE</u>	<u>CHRONOLOGICAL NUMBER</u>
DISTRICT:	The district issuing the permit.			
YEAR:	The calendar year in which the permit application is assigned a number.			
BILLING TYPE CODE:	One of three characters: 6 – for Caltrans fee permits. 7 – for City and County issued permits. N – for fee-exempt permits.			
PERMIT TYPE CODE:	A two-alpha character designating the type of encroachment as shown in the Permit Fee Schedule.			
CHRONOLOGICAL NO.:	A four digit, serially issued number from 0001 to 9999, starting with 0001 each calendar year. An electronic numbering machine is used to stamp the application form, with a permit number when the applicant pays the fee or deposit. The district Accounting Office controls the setting of the machine number.			

Each district has a Simplex numbering machine to number the permit application in the format illustrated below. The first two of the six digits represents the year the application is accepted. The last four digits are the chronological numbers of the application. The Permit Type Code is

entered manually. The Billing Type Code is indicated by manually striking out one of the two symbols 6 or N.

SIMPLEX STAMP		
____ Year	____ Chronological Number	
____ District	6 7 N Billing Type Code (cross out two)	____ Permit Type Code

At the start of each calendar year, the Simplex machine must be reset so the correct year is indicated and the chronological number is adjusted back to 0001.

201.5 Processing Applications (Rev 01/07)

California Streets and Highways Code require the Department to either approve or deny a permit application within 60 calendar days after it has been determined complete. The Office of Encroachment Permits has established functions, such as a 45-day working period, to ensure compliance of statute requirements. Another is the Encroachment Permits Tracking System (EPTS database [see Section 201.6]) to track the status of the permit application packages, within these time periods required by statute.

The District Permit Engineer acts on behalf of the District Director in determining whether or not an application is deemed complete. What constitutes a completed application is subject to the determination of the Department, in compliance with Statute 671.5 of the Streets and Highway Codes. The law states an application is complete when all other statutory requirements, including (CEQA), have been complied with. The term statutory requirement includes both federal and California statutes.

The office permits engineer is responsible for determining which departmental branches will review the application package for completeness. All reviews are due back within ten working days from the day of distribution. If the review and comments are not completed within the allotted ten working days, the office permits engineer should compile all existing comments from the other reviewing branches, into a denial letter to the applicant, informing the applicant that their application package is denied based on incompleteness and the need for revisions. Sending a letter to the applicant informing them of the denial and the requested revisions starts a new sixty-day clock.

201.6 Tracking Permit Applications (Rev 02/03)

The Encroachment Permits Tracking System (EPTS database) provides informational reports to departmental staff regarding the status of existing application packages and ongoing permits, it also provides information on resources expended on each individual permit. The database assists

management to ensure that statutory time constraints are complied with, and that reviews are on time.

Districts are responsible for maintaining the integrity of the database. Any unauthorized modifications to the database could result in non-retrievable functionality and loss of data. All complications with the database shall be reported to the District and Headquarters Information Technology Service Coordinator.

The District Permits Engineers assign the responsibility of data input and maintenance of the database to members of their staff. These staff members provide weekly reports to the office permits engineers with the most current information on the progress of application packages, and existing permits that they are responsible for (see Table 2.3).

Table 2.3 (Rev 05/07)

Procedures for Maintaining the Permits Database and Tracking Permits

Specific steps for maintaining the permits database and for tracking permits are as follows:

1. Permit applications are logged into the database to create a permit record when the Simplex numbers are stamped on new permit applications. This step starts the sixty-day statutory period for permit issuance or denial. The record should include pertinent information shown on the application, including:
 - Permit number
 - Name of permittee
 - Date application is received and numbered
 - Location (county, route, and post mile)
 - Description of proposed work
 - Comments concerning the application (e.g., longitudinal encroachment, etc.)
 - Performance Bond and Payment Bond numbers (when applicable)
 - Estimated cost of work within State right of way
 - Expenditure authorization (E.A.) applicable to Oversight projects
 - Set fee, deposit, or total fee (use as applicable)
 - Permit office or writer (person coordinating review of the application)
 - Name of inspector (if known)
 - Original permit number (if record is for a double permit or permit rider)
2. Enter the dates that requests for review are sent to appropriate reviewing functional units.
3. Enter the dates that reviews are returned to Permits and request each functional unit log the number of review hours to permits (fee based and fee exempt). Enter the review hours that were charged to the Permits E.A on the database and on form Progress Billing/Permit Closure (TR-0129).
4. Each working day, the person responsible for maintenance of the database prints the list of reviews that are past due and asks reviewing units to respond.
5. Respond in writing to all applications requiring additional information after all reviews are returned. Enter into the database under "letter sent" the date that any letter is sent to an applicant.
6. Issue permits when all reviews are returned and the application is complete, and the issue date and expiration date are entered in the database. Additional fields completed are:
 - Date permit is issued
 - Permit expiration date
 - Performance Bond and Payment Bond Numbers (if applicable)
 - Total fee (if applicable)
 - Date application is complete (the date all reviews are returned as acceptable)
 - Name of inspector
 - Transportation Laboratory's standard or estimate of hours
7. Enter in the original permit record under "response received " the date that additional information was received. Review procedures start and are processed as in Steps 2 through 6 above.
8. Notify the permit engineer daily of 45 day old applications that have not been acknowledged. Permit engineers must respond immediately to these applications to avoid permits by default.
9. Print a weekly list of expired permits and require time extensions or completion notices. Inform permit inspectors regarding permits in their area of responsibility.
10. Enter in the database the completion date, actual inspection hours, and any time expended by other Caltrans units on Progress Billing/Permit Closure (TR-0129) signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable are submitted. Upon completion, submit to HQ Accounting Service Center for billing. All fields should be filled out indicating hours and total fees/deposits and balance.
11. Enter permit riders that are requested into a new database record and cross-reference them to the original permit. Modify the original permit record to reference the rider. Manage any reviews required for the rider as in Steps 1 through 6 above.
12. Back-up the database daily in metropolitan and urban districts. In rural districts with very low permit volumes, perform the back up twice each week.

202.1 General Criteria for Evaluation of Applications (Rev 01/07)

The District Permit Engineer determines the magnitude of the work and if required, the need for either a Cooperative Agreement or Highway Improvement Agreement.

An encroachment or public transit project that costs more than \$1,000,000 and is located within State right of way is considered an Oversight project. A district Oversight project coordinator manages, reviews, and approves the project before an application is submitted and a permit is issued.

Applications are reviewed to determine the impact of the encroachment on:

- The safety of motorist, pedestrians, and workers.
- Design, construction, operation, maintenance, or integrity of the highway system.
- Future and on-going highway contracts.
- Aesthetic value of the highway corridor.
- Environment.
- Existing drainage.

Departmental policy is to cooperate with the Reclamation Board regarding applications for encroachment permits to install underground facilities where a State highway is on or crosses a levee under the jurisdiction of the Reclamation Board. An applicant is required to furnish proof of a Reclamation Board permit before an encroachment permit is issued.

202.1A Conflicting Permits

A permit applicant may propose work requiring the removal or relocation of conflicting improvements installed under prior encroachment permits, e.g., the removal or relocation of a driveway, curb, or gutter, for a highway widening permit application. The applicant must arrange for any such removal or relocation. The General Provisions require relocation of conflicting encroachments at no cost to the State as a condition of the permit. Priority is given to the first encroachment.

202.1B Location of Encroachment in Right of Way

Encroachments should not create a public hazard, disrupt highway operations, pose a maintenance problem, restrict pedestrian facilities, or interfere with future highway construction. Consideration should be given to utility placement located in right of way that is planned for expansion.

Care must be taken to prevent encroachments that devalue State right of way. Potential for airspace leasing in operating right of way, future right of way, or other potential operating uses of excess lands must be preserved. Permit applications describing work in non-operating right of way shall be sent to district Right of Way for review. In some cases, Right of Way may handle the encroachment request.

202.1C Traffic Considerations**GENERAL**

When encroachment permit projects impact traffic, the permittee assumes responsibility for financing and constructing traffic control and safety features. Traffic control for day or nighttime lane closures is governed by Caltrans' standard plans for Traffic Control Systems. The appropriate traffic plan should be added as a special provision to the encroachment permit.

TRAFFIC DELAYS AND LANE CLOSURES

Encroachment permit projects require a Transportation Management Plan (TMP) if the anticipated traffic delay resulting from the permit operation or lane closures is 30 minutes above the normal recurring traffic delay or the delay threshold set by the District Traffic Manager (DTM), whichever is less. The TMP is developed by the District Traffic Manager (DTM) and when implemented should minimize or eliminate project-related traffic delays and accidents (see Deputy Directive DD-60, Appendix E).

When lane closures are contemplated on State freeways, expressways, and conventional highways, a lane closure request is submitted to the district Lane Closure Review Committee (LCRC) for approval if the closure is estimated to cause additional traffic delay of more than 30 minutes or the delay threshold set by the District Traffic Manager (DTM), which ever is less (see Major Lane Closure Approval Guidelines Appendix E). A review is not required for emergency lane closures, i.e., accidents, natural disasters, earthquakes, storm damage, hazardous material spills, vehicular accidents, etc.; however, DTM notification is required.

The District Permit Engineer submits the proposed lane closure through the District Traffic Manager for review before sending it on to the district LCRC. If DTM can reduce the delay to less than 30 minutes, then the district LCRC review is not necessary. The submittal to the DTM should contain information listed in the Major Lane Closure Approval Guidelines shown in Appendix E. Transportation Management Centers (TMC) in metropolitan areas must be notified several days in advance of any planned lane closures.

In addition to the lane closure submittal, the District Permit Engineer should develop a contingency plan that identifies actions to be taken to restore or minimize affects on traffic during lane closure operations when the congestion or delay exceeds original estimates. The Contingency Plan should contain information shown in the Major Lane Closure Approval Guidelines shown in Appendix E.

Approval

Proposed lane closure submittals must be sent to the District Traffic Manager (DTM) in sufficient time to allow approval at least 7 days in advance of lane closure operations. The project's complexity may dictate the amount of lead-time required. LCRC approval is only for lane closure dates and times requested.

The District Permit Engineer assumes responsibility for notifying the DTM if there are changes to the originally approved closure. The DTM shall review approved lane closure plans 3 days before the date and time of the proposed lane closure operation. If in the DTM's opinion the

changes materially alter the nature of the original proposal, LCRC will reevaluate the revised proposal.

Evaluation Statement

The District Permit Engineer shall prepare a statement on projects that exceed expected delay or run outside of the closure window. The statement shall be prepared within 5 working days of exceeding the threshold criteria (for statement explanation see the Major Lane Closure Approval Guidelines shown in Appendix E).

Exception

Unless the traffic delay threshold is exceeded, LCRC approval is not required for closures listed as follows:

- Short duration encroachments of 15 minutes or less.
- Standard “traffic breaks” for moving equipment, utility work, etc.

MOBILE WORK

Encroachment activities for mobile work (slow continuous motions and/or frequent stops within a traffic lane) must comply with the requirements provided in Conventional Highway Mobile Work Special Provisions (See Appendix K). The activities are:

- Moving operations (work activities, such as striping, sweeping, etc.) that move along the road without stopping, usually at slow speeds.
- Short-term work activities that can be performed during light traffic volumes, do not interfere with traffic, and do not place the employee in jeopardy. Examples of such work include pavement patching, pavement marker replacement, etc.

Several references are made on the standard plans to “approach speed,” which could be a posted speed limit, an off-peak 85-percentile speed, or an estimated speed determined by several drive-throughs of the job site area. Many areas are not posted, so this reference is intended to allow judgment in applying the realistic speed of traffic where necessary to determine traffic control devices and requirements.

202.1D Traffic Control System Plan Changes

Requests to use different plans or to revise the approved standard plans should be directed to the District Traffic Engineer for approval.

202.1E Traffic Unit Review

The appropriate district Traffic unit shall review permit applications having traffic or safety impacts, when required by other portions of this manual or if the permit engineer determines that such a review is necessary. A Transportation Management Plan (TMP) is required if significant traffic delays and hazards are anticipated during construction (see DD-60, Appendix E). Procedures and responsibilities detailed in a TMP are addressed during encroachment permit review by district traffic staff.

202.1F Field Review Before Issuing Permit

Pre-inspection of the site sometimes is necessary to ensure that the proposed work is not detrimental to the State highway or the safety of highway users. The permit engineer should ensure that the proper personnel are involved in this pre-inspection.

202.1G Other Reviews

Proposals for encroachments may require review by other units. Such reviews ensure coordination with subsequent maintenance operations and planned future development by Caltrans or others.

A permit cannot be issued without environmental clearance. Chapter 4 discusses specific requirements for environmental review of encroachment permit applications.

202.2 Project Report or PEER Document (Rev 07/07)

A Project Report or a Permit Engineering Evaluation Report (TR-0112) (PEER) is required for every action that has a permanent traffic impact and for work that affects the operating capability of a State highway facility. In addition, all Highway Improvement Projects that are between \$1,000,000 and \$3,000,000 require a PEER. These reports, and their preparation, are discussed fully in the Project Development Procedures Manual. Their preparation is either the responsibility of Project Development or Traffic Operations.

However, on projects less than \$1,000,000 the permits office must verify that the responsible reviewing units have considered the need for the appropriate report and have correctly completed the Encroachment Permit Application Review form (TR-0110).

202.2A Projects Requiring a Permit Engineering Evaluation Report (PEER) (Rev 07/07)

A Permit Engineering Evaluation Report (TR-0112) (PEER) is prepared to document the engineering analysis of proposed work. The Proponent of the project is responsible for the submittal of the project description/proposal section of the PEER as well as all other necessary documentation.

Approval of the PEER is the responsibility of either Project Development or Traffic Operations on all projects up to \$3,000,000. The analysis includes review of the proposed work to determine drainage, maintenance, operation, and environmental impacts to the State highway system. All proposed work shall conform to Caltrans' current standards and practices, or be justified by an approved exception.

On proposals that are too complex to be adequately described in a PEER, the district may require that a combined PSR/PR format or a PR format be utilized in lieu of the PEER format.

Exceptions to mandatory and advisory design standards must be documented by the required Fact Sheets, and attached to the PEER. The District Director or the delegated representative is responsible for approving the PEER.

Projects costing \$1,000,000 or less and are not financed with local sales taxes may require a PEER.

Projects costing \$1,000,000 or less and are financed with local sales taxes require a PEER or a combined PSR/PR to serve as the IPR (Initial Project Report), this is required by Government Code Section 14529.11. If there is a Master Cooperative Agreement with a Sales Tax Measure Authority, an additional Cooperative Agreement may not be required.

Oversight projects costing more than \$1,000,000 within the State's right of way, should be prepared as referenced in Section 202.3.

Permit applications for projects requiring a PEER shall comply with Table 2.4.

Table 2.4 (Rev 05/07)
Permit Procedures for Projects Requiring a PEER

These permit procedures are followed for projects that require a Permit Engineering Evaluation Report (PEER):

1. The appropriate fee is determined and the application is accepted.
2. Engineering and technical reviews are performed; additional information is requested from the applicant if it is needed to perform the reviews. A permit may be denied based upon conclusions of the reviews.
3. A Permit Engineering Evaluation Report (PEER) is prepared.
4. Bonding requirements are determined.
5. Additional fees, if required, are collected.
6. An encroachment permit is issued to the applicant and distributed to other Caltrans units.
7. The applicant begins work authorized by the permit. Project work is inspected by Caltrans for compliance with the permit.
8. As-built plans are received, a Progress Billing/Permit Closure (TR-0129) signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable is issued, and bonds are released.
9. Records are microfilmed and the project is closed out.

202.2B Projects Not Requiring a PEER (Rev 07/07)

Projects not requiring a PEER are usually commercial filming, miscellaneous activities, special events, surveys, and utilities. These permit applications involve the same steps as outlined in Table 2.4 with the omission of Step 3.

202.3 Oversight Projects (Rev 12/06)

Projects constructed on the State highway system costing over \$1,000,000 and financed with revenues from sources other than the State Highway Fund, e.g., a city, county, local transportation authority, local transit agency, or private entity, are called Oversight Projects.

These local and private entities finance improvements on the State highway system using funds obtained from local sales tax measures, local non-sales tax revenues or development mitigation fees, and private sources.

Caltrans' Procedures Manual for Oversight State Highway Projects and the Structures Office of Oversight Projects (OSFP) Information and Procedures Guide give detailed guidance for developing Oversight projects constructed on the State highway system.

202.3A Pre-Approved Agreements (Rev 07/07)

Caltrans is required to enter into Cooperative Agreements with local entities for all proposed projects to be constructed upon the State highway system costing more than \$1,000,000 within existing or proposed State highway right of way, regardless of the source of funding.

By contrast, projects \$1,000,000 or less generally do not require a Cooperative Agreement. These agreements do contain a provision requiring the issuance of an encroachment permit.

Caltrans has pre-approved Cooperative Agreements to be used for Oversight projects sponsored by a local entity. These include:

- **Cooperative-Agreement J-1** is used when the local entity advertises, awards, and administers a State highway improvement project that is funded by others and no federal funds are used.
- **Cooperative-Agreement J-2** is used when the local entity advertises, awards, and administers the project and federal funds are used.
- **Cooperative-Agreement J-3** is a Joint Powers Agreement that is used when the State advertises, awards, and administers the project and the local agency reimburses the State.

Caltrans and private developers are required to execute a Highway Improvement Agreement for any State highway project funded by private entities that costs more than \$1,000,000 for improvements located within the existing or proposed State highway right of way.

Caltrans also has a pre-approved Highway Improvement Agreement (A-1) and Escrow Agreement (A-2) that are used with private developers on State highway improvement projects funded by private entities (see Appendix B).

Double permits with appropriate fees are required for contractors performing work under these agreements, unless these conditions are specifically waived in an agreement. Double permits and fees are required if the agreement is silent.

202.3B Issuing Encroachment Permits for Oversight Projects (Rev 01/07)

Cooperative Agreements and Highway Improvement Agreements establish the respective responsibilities of Caltrans and the local entity or private developer for all proposed project development work, including environmental studies, documentation, and clearance. Consequently, encroachment permits shall not be issued for Oversight projects without the district permits office receiving a copy of the required, fully executed agreement. The agreement will specify whether or not there will be a charge to the local agency and/or its contractor for their encroachment permits.

The permit usually can be processed and issued shortly after the permit engineer receives an application with approved plans and an executed agreement for construction.

202.3C Public Transit Projects

Public transit projects financed by others (other than by the State) and located within State highway right of way and having a construction cost of more than \$1,000,000 shall be considered an Oversight project. Responsibilities and costs for project development work, right of way, construction, utilities, liability, ownership, operation, and maintenance must be established in a Cooperative Agreement with Caltrans.

A copy of the fully executed agreement and approved plans shall be delivered to the district permits office before an encroachment permit is issued to the transit agency and its contractor for construction work within State right of way.

202.3D Project Development Procedures

Caltrans is exposed to tort liability, operational and possible maintenance responsibilities by any expansion or improvement of State highways using local resources. Therefore, such projects that are more than routine must comply with the Project Development Procedures Manual (PDPM) and the Environmental Handbook (EH). The permit applicant is required to use the project development procedures that Caltrans uses to do the same work. These include the project development teams, project reports, and project development categories described in the PDPM.

Caltrans' policy is that all State highway improvement projects funded totally by others and having a construction cost of more than \$1,000,000 must be approved in concept by a Project Study Report and approved in a Project Report following environmental compliance and public input. Caltrans is normally responsible for the PSR if it can be done on a schedule Caltrans is able to meet, and the local agency or private developer is responsible for preparing the Project Report (except for Sales Tax Measure Projects). This requirement can create special timing problems for applicants and should be pointed out during initial discussions.

An abbreviated process utilizing a Combined PSR/PR format is available for projects meeting certain criteria which enables a local agency or developer to prepare a combined document on their own schedule and at their own expense in lieu of the PSR and the PR. Applicants should be given a copy of the "Procedures Guide for Oversight Projects" and "Guidelines for the Preparations of Combined Project Studies Report/Project Report for State Highway Projects Funded by others" during initial discussion.

202.4 Traffic Controller Assemblies

Caltrans provides Model 170 Traffic Signal Controller Assemblies for installation on all State highway projects involving signal systems. The Department is reimbursed for the controller assembly acquisition, quality assurance testing, and delivery. The method of reimbursement to Caltrans depends upon the type of recipient and contractual relationship. Controller allocation criterion is described as follows:

JOINTLY FUNDED COOPERATIVE AGREEMENT PROJECTS:

The Department provides the Model 170 Controller Assembly as a contribution to its share of the project cost.

LOCALLY FUNDED AND SALES TAX MEASURE COOPERATIVE AGREEMENT PROJECTS

The funding local agency pays the full cost of the controller assembly. If the State is administering the construction contract, the controllers will be provided as State-Furnished material paid for by the local agency as part of the project costs.

PRIVATELY FUNDED HIGHWAY IMPROVEMENT AGREEMENT PROJECTS

The Department provides the controller assembly as State furnished materials paid for by the permittee as part of the project cost.

ENCROACHMENT PERMIT WITHOUT AN AGREEMENT

When an agreement for the project does not exist and construction is authorized only under an encroachment permit, the private party permittee or permitted local agency contractor shall pay the costs for the controller assembly including the related field work and inspection. These costs are collected from the permittee or contractor as a fee and added to the deposit collected for other estimated inspection field work costs.

Additional information on State furnished traffic controller assemblies is shown in Appendices E and K.

202.5 Registered Engineer's Seal and Signature (Rev 02/03)

Caltrans must comply with provisions of the Business and Professions Code. Those provisions require that all final engineering reports and plans bear the signature, registration seal, license number, and registration certificate expiration date of the registered engineer responsible for preparation of the final report or plans. The engineer must be registered in California.

A Registered Engineer shall sign engineering reports or plans for the design and construction of a proposed project, except for Utility construction plans.

The CPUC Commissions' jurisdiction does not require for Utility plans to be signed or stamped by a Registered Engineer. CPUC regulations and requirements supersede all other State Agency requirements.

Environmental documents are not professional engineering documents and therefore do not require preparation by a registered engineer. The environmental document serves as a public disclosure document explaining the effects of the proposed project on the environment.

202.6 Materials Testing (Rev 02/03)

Materials testing is performed by the Caltrans' Engineering Service Center, Office of Materials Engineering and Testing Services (METS) commonly refer to as the Transportation Laboratory.

Testing is required for manufactured or fabricated materials delivered to a work site if the State will own it upon completion of the work. However, in some cases, the permit engineer may determine that very small quantities of materials, although not previously tested by the Transportation Laboratory, are acceptable for installation when they are delivered with a Certificate of Compliance.

The Transportation Laboratory contacts the District Permit Office to verify materials when materials inspection is requested by the permittee and the Transportation Laboratory does not receive a "Notice of Materials to be Used" (form CEM-3101). If district contact is unsuccessful, the Transportation Laboratory may verify materials using permit documents and plans before performing inspection and release.

In all cases, a completed "Report of Inspection of Materials" (form TL-0029) is transmitted from the Transportation Laboratory to the District Permit Office. Contact the Transportation Laboratory in your area to verify hours of inspection.

Districts can obtain "Notice of Materials to be used" (CEM-3101) forms from district Supplies or from the State Publications Warehouse.

Procedures for materials testing are described in Table 2.6.

Table 2.6
Procedures for Materials Testing

These procedures are followed by Caltrans for testing materials used in work authorized within State right of way:

1. Permit engineers and reviewing units evaluating applications must determine if fabricated materials require inspection by Caltrans' Transportation Laboratory. The Transportation Laboratory unit is required to inspect all electrical components of signals, State-owned lighting, metal poles, mast arms, foundation bolts, and signs.
2. Include this statement in the text of the permit: "Your attention is directed to Section 6 of the State Standard Specifications, reference to Engineer in the State Standard Specifications shall include State Representative."
3. Send one permit copy (including plans and special provisions) to the Transportation Laboratory in Sacramento when inspection is required.
4. When the "Notice of Materials to be used" (CEM-3101) is received from the permittee, the State representative should review, sign, date, and forward the form to the district permits office. (Enter the permit number in the space for "Contract Number" on the form.)
5. District permits then makes copies for files and transmits Form CEM-3101 to the Transportation Laboratory.
6. When the CEM-3101 form is received, the Transportation Laboratory inspects materials and returns a "Report of Inspection of Materials" (TL-0029) to the district permits office for transmittal to the State representative.
7. State representatives must ensure that all material requiring Transportation Laboratory inspection has an inspection release tag, and must refuse installation of untagged materials until proper inspection is completed.

203 PERMIT FORM AND PROVISIONS (Rev 11/06)

A permit will normally be written to allow six months for the work to be completed, unless the Permit Engineer determines that a longer or shorter time period is required. A District Office may extend the time of or modify any permit within the authority granted, utilizing the appropriate Rider Form.

The General Provisions apply to all permits **except** Adopt-A-Highway and letters of consent (Consent Letter). Special Provisions should be added to cover each particular permit.

Paraphrasing Standard Specifications or General Provisions is prohibited. The preferred method for emphasizing certain items is to direct a permittee to specific items or provisions, and to state alterations as an amendment. (For example, "Section XXX.X of the Standard Specifications is amended to read")

Adding district Special Provisions packets to permits is prohibited. However, the addition of special conditions applicable to a particular project is appropriate. For Adopt-A-Highway Permits, Standard Special Provisions shall be included in their entirety without modification by districts; any deviations shall be approved by headquarters permits. The encroachment permit

text should highlight the Special Provision requiring notification of State representatives serving areas affected by project work having significant traffic impacts.

203.1 Standard General Provisions

Each permit is issued with standard General Provisions that relate to all encroachment permits **except** Adopt-A-Highway and letters of consent (Consent Letter). Permittees must fully comply with them (Appendix K).

203.2 Standard Special Provisions

Standard Special Provisions specific to each application usually are added to each permit. Permittees must fully comply with them (Appendix K).

203.3 Liability Insurance

The General Provisions of the encroachment permit hold the permittee responsible for all liability for personal injury and property damages. When required, the applicant shall show evidence of liability insurance before issuance of the permit. Insurance must be provided by a company authorized to transact business in the State of California.

203.3A Encroachments Requiring Liability Insurance

Liability insurance is required for commercial filming (Section 503) and special events (Section 514.7). Headquarters Legal Division determines the need and sets the dollar amount of insurance. Districts contact the Headquarters Office of Permits and present permit requests for referral to Legal.

203.3B General Requirements for Liability Insurance

When liability insurance is required, the applicant shall furnish an endorsement to the policy naming the State, its officers and employees as additional insured. The applicant also shall furnish evidence of the required insurance by supplying a certificate of insurance naming the State of California and its officers and employees as additionally insured.

A professional liability exclusion is standard in insurance policies. This exclusion provides Caltrans and the State with adequate protection against foreseeable risks as additional insured. An exclusion clause for professional liability that is contained in many insurance policies states:

“This insurance does not apply to any professional liability claims resulting from the actions, direct or indirect, from the executive or legislative branch(s) of any State or municipal government, law enforcement or police officer, security officer, firefighter, emergency medical personnel or any employee of State or local government, unless specifically endorsed hereon. This exclusion does not apply to the original named Insured.”

If a public corporation is self-insured, the permit shall include a clause that states:

“The permittee shall indemnify and save harmless the State of California and all officers and employees thereof connected with the work or activity authorized by this permit, including

but not limited to the Director and the Engineer, from all claims, suits or actions of every name, kind, and description, brought forth, or on account of, injuries to or death of any person including but not limited to workmen or participants and the public, or damage to property resulting from the performance of the activity authorized by the permit, except as otherwise provided by statute. The duty of the Permittee to indemnify and save harmless includes the duties to defend as set forth in Section 2778 of the Civil Code.”

“It is the intent of the parties that the permittee will indemnify and hold harmless the State, its officers and employees from any and all claims, suits of actions as set forth above regardless of the existence or degree of fault or negligence on the part of the State, the permittee, the employee or volunteer of any of these, other than in the active negligence of the State, its officers and employees.”

Any deviation from the liability insurance requirements must be reviewed by headquarters Legal.

Departmental policy requires that all Caltrans employees, volunteers, and visitors to Caltrans' highway work zones follow safety and work procedures outlined in the Caltrans Safety Manual, other departmental manuals, and specific written instructions.

“Volunteers” include people participating in the Adopt-A-Highway program, and “visitors” include people participating in filming and special events. Non-Caltrans employees and visitors accept the guidance of Caltrans' safety policy as a condition of their admission to highway work zones.

203.3C Claims

Claims against permit work are classified in two primary categories, and guidance by Caltrans Legal is necessary in both cases.

1. Public Claims by Persons Not Related to Caltrans

Claims made against a permittee or Caltrans for permitted work are referred to legal staff immediately. Legal provides direction to Permits for handling inquiries and requests for files.

2. Caltrans' Claims Against a Permittee

Claims by Caltrans' permits offices generally are related to incomplete or unacceptable work by permittees, and are either claimed or billed against bonds. Caltrans' legal staff manages Actual legal or court action against permittees.

203.4 Surety Bonds

Surety bonds ensure the faithful performance of a permittee's permit obligations. Letters of credit and property bonds are not acceptable forms of bonding.

A cash deposit may be an acceptable form of bonding for non-Public Works encroachments without the likelihood for latent defects (e.g., landscaping, driveways, monitoring wells, etc.).

The cash deposit with a copy of the Standard Encroachment Permit Application should be forwarded to the District Cashier for deposit in the State Highway Account.

Bonds should be calculated as accurately as possible to ensure that the estimated costs of projects in the State right of way are covered at a minimum of 50%. Public Works encroachments costing \$5000.00 or more should be bonded. Non-Public Works encroachments may be bonded as determined by the District Permit Engineer.

A performance bond ensures completion of permitted work in compliance with plans, specifications, and permit conditions. Section 338 of the California Code of Civil Procedure limits the bringing of an action against a contractor to three (3) years after the discovery of a defect. In addition, Section 337.15 limits the total time to take action to recover damages for latent defects from contractors, developers or sureties to ten (10) years after the "substantial completion" of a development or improvement.

If a permittee is delinquent in payment of permit fees, Headquarters Accounting Service Center will attempt to collect from the permittee's bonding company (Section 201.2C, Billing and Overdue Accounts).

A payment bond ensures payment by a contractor to its own labor, subcontractors, and material suppliers.

Bonding requirements are outlined in Table 2.7. Bonding is not required of a local public entity (city, county, public corporation, or political subdivision) that is authorized by law to establish or maintain any works or facilities in, under, or over any public highway and is not normally required of a public utility (Streets and Highway Code, Sections 678 and 679). However, should local public entities fail to comply with the terms of a previous permit or to pay fees when due, Caltrans may require performance bonding on their next permit.

Bonds for local public entities are limited to \$20,000.00 for failure to perform. Under this punitive action, contractors performing the work for any local public entity that is required to bond may be required to post payment and performance bonds at 50% of the value of work within the right of way prior to the issuance of their double permit, naming the State as sole obligee.

Regardless of the bonding situation, the local public entity permittee shall obtain final construction acceptance and approval from Caltrans before the local public entity gives final construction approval to its contractor (General Provision, Item 9).

Table 2.7
Guidelines for Bonds

Use these guidelines when working with bonds for authorized work within State right of way:

1. The obligee is the entity receiving benefit from the bonds supplied.
2. The obligor is the entity named as owner or payer of the bonds.
3. The district permit office shall require bonding as specified in an executed cooperative or highway improvement agreement for Oversight projects (projects over \$1,000,000). Agreements are processed by Caltrans Local Programs unit and copied to the permits office for information. Bonds shall name obligee as provided for in the agreement.
4. In the absence of a cooperative agreement, bonding requirements shall be specified in the encroachment permit and/or General Provisions for local public entity projects costing \$1,000,000 or less. In such cases, the contractor performing work for local public entities who have complied with terms of previous permits, do not require bonding with the State when they execute bonds in favor of the local public entity for at least 100% of the project (General provisions, Item 24). This provision applies only to contractors working for local public entities. It does not apply to private entity bonding.
5. Bonding requirements shall be specified in the encroachment permit for privately funded projects costing \$1,000,000 or less in the absence of a highway improvement agreement. Under the terms of the permit, either the developer or contractor (preferably, the developer) is bonded for payment and performance at fifty percent (50%) of the estimated construction costs for work within the right of way. The bond shall name only the State as obligee.

Performance bonds supplied for privately funded work involving new traffic signal equipment or for work on highway structures shall not be less than \$10,000. They are retained until the permittee furnishes accurate as-built plans for permit work.

6. Utilities and individuals, their contractors and tree-trimming companies:

Utility work or private residential improvements not maintained by Caltrans do not require bonding unless prior experience indicates poor performance by owner or contractor, such that work may not be completed in compliance with permit terms. When bonding is required, bonds should reflect Caltrans' determination of the value for the highway facility that may require repair (roadway, base and surface, sidewalks, lighting, State-maintained landscaping, tree values, etc.). Such determinations should not include equipment owned by others or work outside the right of way. The bond shall name only the State as obligee.

203.5 Cal-OSHA Safety Requirements

If the applicant's proposed work falls within one of the provisions of Section 6500 of the Labor Code, the permittee must have a Cal-OSHA permit before starting work covered by the permit.

Section 6500 deals with trenches, excavations, structures, falsework, scaffolding, and demolition and reads as follows:

“6500. For those employments or places of employment which by their nature involve a substantial risk of injury, the division shall require the issuance of a permit prior to the

initiation of any practices, work, method, operation or process of employment. Such employment or places of employment shall be limited to:

- a. Construction of trenches or excavations that are five feet or deeper and into which a person is required to descend.
- b. The construction of any building, structure, falsework, or scaffolding more than three stories high or the equivalent height.
- c. The demolition of any building, structure, falsework, or scaffold more than three stories high or the equivalent height.”

All permit engineers should follow section 6500 strictly. Section 6509 states that, Any person, or agent or officer thereof; who violates this chapter is guilty of a misdemeanor.

Therefore, the face of each encroachment permit must indicate if a Department of Safety and Health (DOSH) permit is required and the DOSH permit number (if available).

The following agencies and activities are exempt from the requirement to obtain DOSH permits (Construction Safety Orders):

- Government bodies (but not their contractors).
- Public utilities subject to the jurisdiction of the PUC (but not their contractors).
- Emergency repair work to underground facilities.
- Excavation or trenches where no person will descend.

Caltrans employees, volunteers, and visitors to highway work zones shall follow safety procedures described in Caltrans' Safety Manual, other departmental manuals, and written procedures and instructions designed for specific work.

204 DENYING PERMIT APPLICATIONS (Rev 05/07)

A permit is not issued to an applicant when either the safety of the applicant or traveling public, the structural integrity, or operational capability of the State highway maybe subject to impairment or endangerment.

The District Director (or designated representative) signs routine letters of denial, and may ask headquarters to deny unusual applications. Reasons for denial shall be detailed in writing to the applicant.

Encroachment permits SHALL be denied for:

- An encroachment that is an integral structural portion of a building (above or below the surface). This includes roof eaves, new bay windows, and cantilevered upper floors.
- Bungee jumping from State structures, (**except** when approved for a filming permit).
- Gathering vegetable matter, except for research or education.
- Longitudinal encroachments, except for public utility and franchise facilities.
- Storage tanks, loading platforms, private truck scales.
- Temporary political signs (Business and Professional Code 5405.3).

- Charging parking fees on a State Highway
- Encroachments specifically prohibited elsewhere in this manual.

Encroachment permits **MAY** be denied when:

- The project adversely affects the safety, capacity, or integrity of the State highway.
- The applicant has not complied with the provisions of prior permits.
- The applicant is delinquent with payment on prior permits.
- The project does not have concurrence by a local agency.
- The environmental effects are significant and cannot be mitigated or mitigation is unfeasible.
- A proposed development plan includes an emergency or other access to freeways.

Except as otherwise provided for public agencies and franchise holders, encroachment permits are revocable on five days notice (Streets and Highway Code, Section 673). All such notices shall be signed by the District Director or a designated representative. A letter is used to revoke and cancel permits.

Caltrans has no statutory authority to allow private use of highway right of way without compensation. To do so would constitute a gift of public funds under Article 16 of the California Constitution. Consequently, permit applications for grading, excavating, removing materials, or placing an embankment not related to a highway improvement are considered individually. Requests for these types of encroachments are exceptions and require approval from the **Division of Design, Chief**. Permit applications are acceptable if all the following items are satisfied:

1. Caltrans is compensated for removal of material or use of the right of way.
2. No safety hazard is created.
3. No additional maintenance is created.
4. No additional liability is assumed by the State.
5. No transportation use restriction is created.
6. No unwanted easement or other permanent rights of way encumbrance is created.
7. Will not create a permanent property right detrimental to our future use or expansion.

These items apply to all State highways and require approvals from Caltrans' district review units.

204.1 Denial for Time Limit Considerations

A permit application may be denied when additional information is needed but not furnished within the specified time limit. Examples are:

- Information required by the applicant to prepare an adequate environmental document.
- Information necessary to prepare a supplemental environmental impact report in compliance with Public Resources Code Section 21166.
- Substantial evidence for Caltrans' approval of specific engineering details.
- When Caltrans is conducting environmental studies in the area of the proposed work.

Denial of an encroachment permit for lack of information does not affect the applicant's right to reapply for a permit or to appeal a denial.

204.2 Appeals

During the course of the encroachment permit process, the applicant may not agree with permit requirements that the district supports. If the applicant requests an exception, the district may confer with the appropriate headquarters contact. Procedures to obtain exceptions to design standards, policies and practices, are mentioned in Sections 301 through 303. For the submission of appeals by applicants of District, Headquarters or FHWA decisions, refer to Section 304.

205 APPROVING AND ISSUING PERMITS

The primary encroachment permit for private development work is issued to the developer/property-owner and not issued to a public corporation, so that the applicable fees are paid. When the encroachment is to be maintained later by a public corporation or utility company, a second permit is required of the public corporation or utility-company to own and maintain.

205.1 Permits Approved by Districts

Permits are issued by the district without concurrence from headquarters except for those listed in Section 205.2.

Districts may authorize Maintenance superintendents to issue permits or Consent Letters (Appendix D) for salvage operations, litter cleanup, landscape maintenance, spill cleanup, or tire chain installation. Superintendents must not exceed this specified authority, and appropriate fees shall be collected.

205.1A Issuing the Permit Package (Rev 05/07)

Permits are issued after all reviews are returned, all conditions imposed by the lead and responsible agencies have been met, and the application is deemed complete.

The permit is written when the proposed encroachment is compatible with the primary uses and safety of the State highway system and the State's investment in the highway facility is protected.

The Encroachment Permit is a legal document and should include appropriate addenda. When packaged for issuance, the contents of the "Permit Package" may consist of the following:

1. Notice to Owner--(State ordered Utility Relocation, see Section 604, R/W Form 13-4).
2. Encroachment Permit (TR-0120).
3. Notice of Completion card (TR-0128)--permittee prepares form.
4. General Provisions (TR-0045)--each permit copy.
5. Special Provisions--each permit copy.
6. Copy of completed encroachment permit application (TR-0100)--each permit copy.
7. Copy of cooperative agreement--each permit copy.
8. Copy of insurance policy--(Commercial Filming or Special Events).

9. Copy of letter on acceptance of maintenance and liability by city or county--each permit copy.
10. Certification by Contractor (TR-0113) --permittee prepares form.
11. Copy of Payment Bond (TR-0018) --each permit copy.
12. Copy of Performance Bond (TR-0001)--each permit copy.
13. Notice of Materials to be Used (CEM-3101)--permittee prepares form.
14. Approved plan set--(with "Caltrans Permit Dept." stamp).
15. Approved city/county Standard Plans (attachment to # 14).
16. Progress Billing/Permit Closure (TR-0129)--inspector prepares form.
17. As-Built Plans Submittal Route Slip used for locally advertised structure projects (completed by permittee--see Appendix K).

205.2 Permits Requiring Headquarters Approval (Rev 05/07)

These permit applications require prior approval by the appropriate headquarters office, as indicated in parentheses:

- New public road connections to declared freeways that have not been previously approved by Caltrans **Division of Design** and California Transportation Commission (CTC).
- Longitudinal encroachments on controlled access highways (**Division of Design**).
- Modifications to existing bridges, new bridges, and underground structures [**Division of Design**, Structures Maintenance, and Structures Office of Oversight Projects (OSFP)]. See Appendix K for additional structure types requiring headquarters permit approval.
- Railroad grade crossings (**Division of Design**).
- Nonstandard retaining wall, nonstandard noise attenuation facilities (including soundwalls on retaining walls) and earth retaining systems on State right of way (Headquarters Planning and Design Coordinator, Structures Maintenance, and Structures OSFP).
- Overhead sign structures, slope paving under bridges (including any paving or concrete channel lining around bridge columns), pump plants and storage boxes, transit stations, toll plazas, and seal slabs/boat sections (**Division of Design**, Structures Maintenance, and Structures OSFP).
- Airspace development (Right of Way).
- Deviations from Standard Special Provisions for Adopt-A-Highway Permits (Office of Permits).
- Exceptions to mandatory Caltrans' design standards, policies, and practices on permits for all projects (see Section 301).
- First-time events or activities held on freeways, expressways, and toll bridges (Traffic Ops.).
- Longitudinal installation of any privately owned non-utility facility in any State highway (**Division of Design**).

205.3 Federal Highway Administration (FHWA) Approval (Rev 05/07)

The Headquarters Division of Design obtains approval from FHWA for encroachment permit applications listed in Table 2.8. A copy of the Headquarters Division of Design's approval is submitted to the District Permit Engineer and placed on file before issuing a permit. Installations not in conformance with 23 CFR 645, Subpart B (Appendix C) or Caltrans' utility accommodation policy (AASHTO's "Guide for Accommodating Utilities Within Freeway Right of Way," Appendix A) require FHWA approval.

Table 2.8
Projects Requiring Approval by FHWA

The following applications for proposed work that is located on federal-aid highway systems (freeways and some conventional highways) shall receive prior concurrence from FHWA:

1. Installation of any longitudinal privately owned (not under CPUC regulations) pipelines or other types of utility-like facilities.
2. Placing utilities longitudinally within the median area of all freeways.

205.4 Amendments to Permits (Riders) (Rev 11/06)

Applicants wanting to amend their permit application or approved encroachment permit must comply with Caltrans' requirements and pay additional fees as required.

The district may issue an Encroachment Permit Rider (Appendix D) if the permittee wants to modify the authorized work or cannot complete the authorized work by the date specified in the permit. Riders are not used to change the Caltrans inspector; a letter to the permittee is sufficient, with a copy to the permit file.

A maximum of two time extension riders may be issued, each extension shall be for a maximum of 90 days.

The rider form must be Simplex-numbered and include a cross-reference to the original permit.

206 PERMIT INSPECTION AND ENFORCEMENT

Each district is responsible for competent and adequate inspection of permitted work. Permit inspectors are assigned as required, sometimes other Caltrans units, utility companies, local agencies, or private engineers hired by the permittee may be asked to perform inspection. If inspection is to be done by any of the above listed, the inspector must be approved by the district permit engineer before commencement of work.

The District Permit Engineer shall furnish a copy of all approved encroachment permits involving structure work to Structure Construction, Area Bridge Construction Engineer (BCE). The Structure Construction Area BCE shall assign an oversight structure representative to ensure that the permittee abides by the provisions of the encroachment permit. This review includes the

permits issued to allow field investigations during the planning and design phase as well as permits issued to allow construction to commence.

206.A Citing of Permit Violations (Rev 01/07)

The citing of a permittee on behalf of their contractor/representative, or citing both for non-compliance of the permit conditions, general provisions or special provisions. The inspector shall document the violation(s) of the permit conditions into the Encroachment Permit Report (Diary), form TR-0130.

Two scenarios' can exist;

1. The permittee is a Utility Company and the contractor/representative is working under their permit.
2. The permittee (Local Entity or Developer) has the Parent permit and the contractor/representative is working under a Double Permit.

The State's Representative/Inspector shall provide a formal notification to both, the permittee and their representative that a violation or violations have occurred, by providing a copy of the recorded violation(s) to both via mail or in person.

Upon notification of a "second violation," the State's Representative/Inspector shall notify the permittee and their contractor/representative that should a "third violation" occur, that their permit(s) will be suspended or revoked.

Upon accumulation of the "third violation" of the conditions of the permit, the State's Representative/Inspector shall notify the permittee and their contractor/representative verbally and in writing that all work in the State's Rights of Way shall cease immediately.

The District Permit Engineer determines either to suspend or revoke the permit(s) depending upon the severity of the violations.

206.B Suspension of Permits (Rev 01/07)

Permits for Local Entities, Franchise Holders and Utility Companies are granted by statute, and cannot be revoked by the District.

The District Permit Engineer places the permittee on probation for a period up to six months. The permittee is informed that no work will be allowed to resume, until the district can be assured that all conditions of the permit can be met.

When a permittee is placed on probation, the District Permit Engineer may elect to suspend all permits (annuals) that bear the name of the permittee. Meaning, the permittee will be required to submit an application for every instance and location separately, for the duration of probation.

If the district can not resolve the issues of the violations, and contacts headquarters in regards to this permittee, headquarters may suspend all permits in that permittee's name statewide.

The District Permit Engineer shall notify the Maintenance Area Managers of the permittee's suspension. Maintenance Supervisors shall ensure that any encroachment work on State rights-of-way is covered by an encroachment permit, and that any violations are posted and reported immediately to the Area Regional Maintenance Superintendent.

206.C Revocation of Permits (Rev 01/07)

Any permit other than permits issued to a Local Entity, a Franchise Holder or a Utility Company can be revoked upon five days notice in accordance with General Provision #2.

When a permittee (Private Property Owner) is placed on probation, and again violates permit conditions, the District Permit Engineer may elect to revoke their permit(s) and have their encroachment or facility removed from State rights-of-way.

206.1 Encroachment Permit Report (Diary) (Rev 05/07)

Inspectors should compile and complete Encroachment Permit Report (diary) forms (Appendix D) for each permit where they have performed inspection. Inspectors should record their time to the nearest half-hour (0.5) and indicate inspection dates on the Encroachment Permit Report (diary) forms. A single form is used for multiple inspections, with inspection time totaled and noted in the space provided on the form. Encroachment Permit Reports are submitted to the district permits office for processing. All time shown on the Encroachment Permit Report form must agree with the Progress Billing/Permit Closure (TR-0129) signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable and the inspector's time sheet to the inspection EA.

Sometimes a routine parade, banner, or other minor encroachment does not involve inspection. In such cases, the inspector notes on the Progress Billing/Permit Closure (TR-0129) the contacts made and time associated with the permit.

Inspectors should record the following information on the Encroachment Permit Report regarding work performed under an annual utility encroachment permit:

- Permit number
- Location of work (county, route, and post mile)
- Date and time of proposed work
- Type of work performed
- Name of caller and telephone number
- Company work order

A Progress Billing/Permit Closure (TR-0129) is used to record all inspection costs, and is used in closing out a permit file. It is signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable then submitted to Headquarters Accounting Service Center for billing purposes. Inspectors shall keep accurate records of their time on the Encroachment Permit Report (diaries) to assist future adjustments of the Fee Schedule.

With AX (Actual Hour) Permits, the permit office should submit the Progress Billing/Completion Notice signed and dated by the District Permit Engineer or the District

Oversight Resident Engineer (RE) when applicable to Headquarters Accounting Service Center on a monthly or quarterly basis for billing purposes.

206.2 Responsibilities of Permittee

After the permit is issued, the permittee's responsibilities to Caltrans are summarized as follows:

1. Notify the State's representative at least 48 hours before beginning work. When structure related work is involved, notice is also given to the Structure Construction Area Construction Manager two (2) weeks before beginning work.
2. Perform the work according to the permit, approved project plans, and any special provisions.
3. Request approval for changes or time extensions.
4. Notify the State's representative upon completion of the permitted work.
5. Furnish the State with as-built plans when required.
6. Pay all costs associated with permitted activity.

206.2A As-Built Plans and Other Completion Records (Rev 05/07)

The General Provisions require submittal of as-built plans (updated original project plan sheets showing changes made during construction) by the permittee when specified in the permit. Utility permittees are required by the California Public Utilities Commission (C.P.U.C) to keep and maintain their own records.

Upon completion of permit work, the permittee also furnishes to the district details of the locations of hidden encroachments so that information may be retained for Caltrans' future reference. If the permit includes any capital improvement work (whether a Capital Outlay Program or a Permit Program) involving structure related facilities, then submittals of structure as-builts and other structure completion records are required as detailed in Structure Work Special Provision (see Appendix K).

Additionally, utility or private entity permittees, working on these projects, shall submit accurate, reproducible as-built plans and any other required completion records to Caltrans for approval before bonds are released. Local agency permittees failing to provide complete, accurate, reproducible (either matte or clear), signed and approved completion records to Caltrans for permit work shall be cause for the State to require performance bonds on future permits. Future permitted work is subject to a bond requirement until the completion records of said previously permitted work is submitted satisfactorily (Streets and Highways Code, Section 678).

As-built plans should conform to requirements stated in the Caltrans' Drafting and Plans Manual, Construction Manual, and Structures OSFP Information and Procedures Guide. Acceptable media include matte or clear finish drafting film. As-built plans must be stamped, signed, and dated as follows:

As-Built plans for Roadway Geometric and Above Ground Features	
_____ State's Representative	_____ Date

Permit inspectors verify that all as-built plan sheets have been submitted (including Log of Test Boring plan sheets) and their accuracy. Acceptable as-built plans require the inspector's signature. The originals are sent for microfilming in sets of 500 pages as detailed in the "Permits Plan Sets Users Guide" (Appendix F). Table 2.9 indicates the number of copies of microfilmed as-built plans that must be distributed to various units of Caltrans. Additional information is available in the "Permits Plan Sets Users Guide."

Table 2.9
Distribution of Copies of As-Built Plans

Additional copies of microfilmed as-built plans are to be distributed to the functional units listed below.		
<u>Type of Permit Work</u>	<u>Number of Copies of As-Built Plans</u>	<u>Caltrans Functional Unit</u>
Electrical	1	Headquarters Electrical Maintenance
Electrical	1	District Electrical Maintenance

Permits involving structures or roadway construction (capital improvements—whether Capital Outlay Program or Permit Program) require as-built plans be stamped, signed, and dated. The stamp or the decal shall be similar in size and format to the one shown below:

AS BUILT

CORRECTIONS BY:

CONTRACT NO.:

DATE:

Instructions for making as-built corrections to the as-advertised plan tracings shall be in accordance with the Caltrans Structures' "OSFP Information & Procedures Guide," in the Section titled As-Built Plans, and "Bridge Design Details," Section 1-21 As-Built Plan Corrections.

Each Progress Billing/Permit Closure (TR-0129) is to be signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable. The completion notice check box will not be marked until the field work is completed and all as-builts and other completion records have either been checked "y" (yes), received, or "N/A" (not applicable).

When the permit involves structure work, the Caltrans Oversight Structure Representative shall notify either the District Oversight RE or the District Permit Engineer when the final structure completion records (except as-builts) have been received and are satisfactory. Similarly, the Caltrans Structure OSFP Liaison Engineer will notify either the District Permit Engineer, an authorized representative or the Oversight RE upon receipt of satisfactory structure as-built plans.

206.2B Notice of Completion (TR-0128)

General Provisions require the permittee to notify the State's representative when work is completed. Notification is normally provided with a Notice of Completion (TR-0128) (postcard), a letter, or verbally. Caltrans should conduct a final inspection of the project site within one week of notification. If the permittee has not complied with all terms and conditions of the permit, the permit engineer informs the permittee of the discrepancies and requests corrections. On complex projects, corrections should be detailed in writing.

The district notifies the bond company to perform necessary work if the permittee fails to comply with this request. If the bond company fails to do the work, the district may perform the work and recover expenses from the bond.

206.3 Unauthorized Encroachments (Rev 11/06)

Caltrans' Maintenance is responsible for abatement of unauthorized encroachments. District permits staff may assist Maintenance in abatement activities when appropriate and when authorized by the permit engineer. When an unauthorized encroachment is found, the Maintenance unit shall contact the responsible party and explain permit requirements. Unless the unauthorized encroachment is work that would normally be permitted, it must be removed. Caltrans can recover any administrative costs associated with unauthorized encroachments in addition to statutory penalties.

Unauthorized encroachments that should be immediately removed from any State highway are listed as follows:

- Anything that obstructs full use of the highway or creates a potential safety problem.
- Rubbish.
- Advertising signs (exceptions see: 501.3A, 501.7, 501.7A&B, 501.8, 501.13A, 508.4, 517.7).
- Temporary political signs (See Section 5405.3 of the Business and Professions Code).

If the unauthorized encroachment is work for which we would normally issue a permit, the work must be discontinued until a permit application is submitted and a permit is issued. An exception may be made by a Maintenance superintendent to allow a minor encroachment to proceed before a permit is issued if all the following conditions are met:

1. A permit application has been submitted and received;
2. It conforms to Caltrans' policies;
3. It does not adversely affect traffic safety;
4. It does not affect the condition or appearance of the highway;
5. The operator agrees to follow the recommendations of the Maintenance superintendent or State representative;

6. It does not involve tree removal or trimming.

Maintenance may request law enforcement assistance when the person placing an unauthorized encroachment refuses the order to discontinue or remove the encroachment. It is imperative to keep good documentation, and photos should be taken and kept with the records.

The law enforcement agency should be informed what section of the Streets and Highways Code is being violated. Maintenance should take the steps recommended in Table 2.10 to enable support of its action by Caltrans' Legal Division.

Table 2.10
Procedures for Resolving Unauthorized Encroachments

These steps should be taken by Maintenance to resolve unauthorized encroachments:

1. Immediately remove rubbish, advertising signs, temporary political signs, and encroachments that obstruct the highway or create potential safety problems.
2. Immediately give the operator a Notice of Encroachment (Appendix D).
3. If the problem is not resolved in a reasonable time, give a second and final violation notice by either:
 - Certified mail and posting a copy for five days at the site; or
 - Hand delivery to the owner or lessee.
4. Submit a full written report to the District Maintenance Superintendent and a copy to the District Permit Engineer.
5. Do not take removal action without specific instructions by the District Maintenance Superintendent unless the encroachment adversely affects traffic safety.
6. Contact Legal to consider what action should be taken to remove the encroachment, collect costs, enjoin further action, etc.

206.4 Retention of Permit Records (Rev 01/07)

The terms and conditions of Caltrans' encroachment permits are valid as long as the encroachment remains in, under, or over the State highway, unless revoked for cause.

Complete copies of permit files shall be microfilmed and the record shall be retained indefinitely. Districts should follow the "Permit File & Plan Set Guidelines" (Appendix F) when preparing permit files and the plan sets for microfilming.

206.4A Closing out permit files (Rev 05/07)

When a permitted encroachment is completed, the file should be closed out and prepped for microfilming. The permit file should be reviewed to ensure that all documentation has been completed and is in the file.

The following is a tentative list of what a permit file may contain at the time of closing:

1. The original application with the simplex stamp
2. An approved plan set or drawing, date stamped
3. Copy of the issued Application Package
 - a. Permit
 - b. General Provisions
 - c. Permit Special Provisions
 - d. Additional attachments
4. Permit Office Engineer's Encroachment Permit Reports (diaries)
5. District Reviewer's Encroachment Permit Application Review Sheets
6. District Reviewer's Comment Sheets
7. Memo's and/or Notes (post-its)
8. Notice of Materials to be used (CEM-3101)
9. Approved Local Entity Standards (if required)
10. A Performance Bond (if required)
11. A Payment Bond (if required)
12. A Cooperative Agreement (if required)
13. A Letter of Responsibility from a Local Entity (if required)
14. Inspector's Encroachment Permit Reports (diaries)
15. Progress Billing/Permit Closure (TR-0129)

Progress Billing/Permit Closure (TR-0129) are to be signed and dated by the District Permit Engineer, an authorized representative or the District Oversight Resident Engineer (RE) when applicable.

In some instances a permit file may contain notes on post-its, these should be collected and taped to an 8-1/2" X 11" piece of paper.

207 ACCOUNTING AND RECORD KEEPING

State statutes allow Caltrans to charge fees for actual costs of administering the Encroachment Permit Program. Only those organizations and activities outlined in Section 201.2A are exempted from fees.

Districts are not delegated authority to waive or reduce fees and should recover all costs of administering chargeable permits.

The Department has established expenditure authorizations (E.A.) and activity codes for various activities that must be used on time sheets. In addition to using the appropriate E.A., it is critical for all Caltrans' staff involved in permit-related activities (review, inspection, etc.) to accurately document and report to Permits all time expended on permit work. Permits compiles reported time and maintains a computer database that is used for adjusting the fee schedule.

207.1 Expenditure Authorizations (E.A.) (Rev 05/06)

Officers and employees of Caltrans use time sheets to record labor costs as hours worked. Time is charged to an expenditure authorization account number (see Accounting Coding Manual). Caltrans personnel must charge the correct E.A. for all encroachment permit work. The following chart summarizes the expenditure authorizations for encroachment permit activities.

EA	SUB JOB	DESCRIPTION	SPECIAL DESIGNATION	ACTIVITY CODE	USER
937700	3ADMN	Administration		2003	ALL
937700	3EPPR	Review	7EX	2037	ALL
		Review (Exempt Permits)		2037	ALL
937700	3EPIC	Inspection	7EX	2037	ALL
		Inspection (Exempt Permits)		2037	ALL
937700	3ESWR	Storm Water Review	7EX	2037	ALL
		Storm Water Review (Exempt Permits)		2037	ALL
937700	3ESWF	Storm Water Inspection	7EX	2037	ALL
		Storm Water Inspection (Exempt Permits)		2037	ALL
937700	3EPFW	Field Work – State Forces		2037	ALL
937700	3EPCS	Customer Service		2003	ALL
		Appeals to the District Director		2003	ALL
937700	3EPAD	Appeals to the Director of the Department		2003	ALL
937700	3EPUE	Unauthorized Encroachments		2037	ALL
937700	3FILM	Filming		2003	ALL
		Administration, Meetings, Customer service			ALL
		Permit Review, Inspection		2037	ALL
937050		Overhead		2049	ALL
		Safety Meetings			ALL
		Staff Meetings		2003	ALL
		Training			Trainee
		Training		2059	Instructor
		Administrative time off		2058	
				2099	ALL

**Note: These activity codes are the most commonly used and appear under FA Eligibility and Agency Object on your time sheet.*

For time sheet charges, the special designation **7EX** is used in conjunction with E.A. 937700 and Sub jobs 3EPPR, 3EPIC, 3ESWR and 3ESWF when the permit is statutorily or administratively exempt from fees.

Proper time sheet recording may include both reimbursable time and non-reimbursable time charges. Reimbursable time (the time for which we may collect permit fees) is charged to expenditure authorization 937700 and all Sub job designations. Non-reimbursable time is charged against those permits with “7EX” in the Special Designation.

Most likely a permit engineer will not spend eight hours of a day on reimbursable work. Therefore, the expectation is that a permit engineer will spend some time on administrative work or customer service and charge to E.A. 937700 and Sub jobs 3ADMN or 3EPCS, and that time shall be reflected on the time sheets.

207.2 Description of Expenditure Authorizations (Rev 05/07)

Expenditure Authorization (E.A.) & Sub job numbers are used as follows:

937700 – 3ADMN *Administration*

All work related to the Encroachment Permit Program. Do not include actual work on individual permits (such as checking applications, etc.).

- General administration, management and supervision of all Encroachment Permit activities related to Sub jobs.
- Promulgating policy and procedures for use in issuing and inspecting encroachment permits.
- Clerical work not related to specific Sub jobs.
- Encroachment Permits records retention.

Use this primary Activity Code:

2003—Administration

937700 – 3EPPR *Review* **7EX** for Exempt permits placed in the Special Designation

Capturing the time expended to review and process encroachment permit requests.

- Preliminary engineering review and site inspection.
- Plan review and approval, writing permit provisions, etc., performed by Permit staff and all other supporting units.
- Related activities in reviewing, monitoring and issuing encroachment permits, including meetings and communications with applicants.
- Preparation of Permit Engineering Evaluation Report (PEER).
- Preparation of a combined PSR/PR if construction costs are less than \$1,000,000, if required by the district.

Use this primary Activity Code:

2037—Work related to encroachment permit review

937700 – 3EPIC *Inspection* **7EX** for Exempt permits placed in the Special Designation

Inspection and control by any Caltrans personnel of actual encroachment work performed by permittee under an issued encroachment permit, including work done by the Engineering Service Center, Office of Materials Engineering and Testing Services (METS).

- Providing liaison, monitoring, and review at project site required to ensure the uniform application of all specifications and standards including meetings and telephone calls related to individual permits.
- Inspector's office time for documentation (diaries, Progress Billing/Permit Closure (TR-0129), etc.), maintaining files, and correspondence.

Use this primary Activity Code:

2037—Inspection related work (diaries, phone calls, meetings, etc.)

937700 – 3ESWR *Storm Water Review*
7EX for Exempt permits placed in the Special Designation

Capturing the time expended to review and process encroachment permit requests.

- Preliminary engineering review and site inspection.
- Plan review and approval, performed by Permit staff and all other supporting units.
- Related activities in reviewing, monitoring and issuing encroachment permits, including meetings and communications with applicants.

Use this primary Activity Code:

2037—Work related to encroachment permit review

937700 – 3ESWF *Storm Water Inspection*
7EX for Exempt permits placed in the Special Designation

Inspection and control by any Caltrans personnel of actual encroachment work performed by permittee under an issued encroachment permit.

- Providing liaison, monitoring, and review at project site required to ensure the uniform application of all specifications and standards including meetings and telephone calls related to individual permits.
- Inspector's office time for documentation (diaries, Progress Billing/Permit Closure (TR-0129), etc.), maintaining files, and correspondence.

Use this primary Activity Code:

2037—Inspection related work (diaries, phone calls, meetings, etc.)

937700 – 3EPFW *Field Work*

Field work conducted by Caltrans forces, such as: materials and equipment, traffic control, markings, striping, or signing required for the permit.

Use this primary Activity Code:

2037—Work related to encroachment permit field work

937700 – 3EPCS *Customer Service*

This E.A. identifies time expended on encroachment permit related customer service work that cannot be charged to a particular encroachment permit.

- Preliminary conceptual meetings and communication with applicants regarding contemplated permit work prior to application submission.
- Meetings and communication with permit applicants to resolve disagreements regarding permit conditions.
- Responding to public inquiries.
- Time spent on activities so short or general in nature that recording them individually on a time sheet would be unproductive.
- Travel time to the encroachment site for inspection or review.
- Appeals to the District Director.

Use this primary Activity Code:

2003—Customer Service

937700 – 3EPAD *Appeals to the Director of the Department*

Approval of the Headquarters Encroachment Permits Branch Chief is required prior to use of this expenditure authorization. This expenditure authorization is used to capture the time expended to administer appeals to the Director of the Department after the District Director's denial of an encroachment permit application.

- Review and analyze appeal.
- Coordinate and process the appeal with district and/or headquarters personnel.

Use this primary Activity Code:

2003—Appeal related work

937700 – 3EPUE *Unauthorized Encroachments*

All work related to unauthorized encroachments.

Use this primary Activity Code:

2037—Work related to unauthorized encroachments

937700 – 3FILM *Filming*

All work related to encroachment permits for filming on State highways.

- Administering, supervising and reviewing the Filming permit program.
- Filming permit application processing, review, inspection.
- Accounting and clerical work related to filming permits.
- Meetings and communication with permit applicants, CHP, CFC, etc.
- Responding to public inquiries.

Use these primary Activity Codes:

2003—Administration, Meetings, Customer Service

2037—Permit review, inspection

937050

Overhead

All work related to the preparation for and participation in safety/staff meetings, training, and Administrative time off.

- Safety Meetings.
- Staff Meetings.
- Training.
- Administrative time off.

Use these primary Activity Codes:

2049—Work related to Safety Meetings

2003—Work related to Staff Meetings

2059—Training – Trainee

2058—Training – Instructor

2099—Administrative time off

207.3 Special Designations

The special designation 7EX is used in association with statutorily and administratively exempt permits (Section 201.2A).

Special designations used for specific accounting reasons are discussed under specific permit requirements.

207.4 Specific Instructions for Inspection Staff (Rev 05/07)

Progress Billing/Permit Closure (TR-0129) are to be signed and dated by the District Permit Engineer or the District Oversight Resident Engineer (RE) when applicable.

Inspectors must accurately report their time to fully recover costs associated with specific permits. They must charge the appropriate expenditure authorization (E.A.) and complete diaries, Progress Billing/Permit Closure (TR-0129), and permit review sheets in a timely manner.

District Permit Engineers must ensure that inspection staff time is reported correctly and that diaries agree with the hours shown on Progress Billing/Permit Closure (TR-0129). Only in “Set Fee” permits may the “actual hours” shown on Progress Billing/Permit Closure (TR-0129) and diaries vary from hours charged to permittees. The hours charged on AX Permits must agree with hours on diaries and Progress Billing/Permit Closure (TR-0129). Field inspectors on a monthly or quarterly basis must submit Progress Billing/Permit Closure (TR-0129), especially for annual or biannual permits.

Permit inspectors must use E.A.s and activity codes listed as follows:

937700 – 3ADMN *Administration*

Although used primarily by supervisory and office staff, inspectors may use this E.A. for these situations:

- Clerical work not related to specific Sub jobs.

Use this primary Activity Code:

2003—Administration

Hours charged against this E.A. by inspectors are not charged to permittees.

**937700 – 3EPPR *Review*
7EX for Exempt permits placed in the Special Designation**

Time charged to this E.A. by reviewers must be documented in the reviewer's review sheet and charged to applicant. Activities under this E.A. are:

- Reviewing individual permit applications, including office visits and meetings with applicants.
- Reviewing requests for permit riders.
- Reviewing applications in the field and preparing comments.

Use this primary Activity Code:

2037—Work related to encroachment permit review

**937700 – 3EPIC *Inspection*
7EX for Exempt permits placed in the Special Designation**

All inspection work related to specific permits shall be charged to this E.A. and documented in diaries and Progress Billing/**Permit Closure (TR-0129)**. This time is charged to permittees and must be used for:

- On-site permit inspections, including discussions with contractors, physically checking a contractor's work, and coordinating with local agency, utility, or private engineering inspectors.
- On-site notes for diaries.
- Annual permit inspection, whether the site visit is planned or work by the permittee is being performed without notification and discovered during driving an inspection route. Time expended on annual permit inspection shall be compiled in diaries and submitted for monthly or quarterly billing.
- Inspector's office time for maintaining files and general correspondence. These hours should be charged to individual permits.
- Preconstruction meetings charged to individual permits.

Use this primary Activity Code:

2037—Inspection related work (diaries, phone calls, meetings, etc.)

937700 – 3ESWR *Storm Water Review*
7EX for Exempt permits placed in the Special Designation

Capturing the time expended to review and process encroachment permit requests.

- Preliminary engineering review and site inspection.
- Plan review and approval, performed by Permit staff and all other supporting units.
- Related activities in reviewing, monitoring and issuing encroachment permits, including meetings and communications with applicants.

Use this primary Activity Code:

2037—Work related to encroachment permit review

937700 – 3ESWF *Storm Water Inspection*
7EX for Exempt permits placed in the Special Designation

Inspection and control by any Caltrans personnel of actual encroachment work performed by permittee under an issued encroachment permit.

- Providing liaison, monitoring, and review at project site required to ensure the uniform application of all specifications and standards including meetings and telephone calls related to individual permits.
- Inspector's office time for documentation (diaries, Progress Billing/Permit Closure (TR-0129), etc.), maintaining files, and correspondence.

Use this primary Activity Code:

2037—Inspection related work (diaries, phone calls, meetings, etc.)

937700 – 3EPUE *Unauthorized Encroachments*

This E.A. and activity is used by Maintenance personnel in charge of enforcing unauthorized encroachments. However, this E.A. also should be used by permit staff providing support to Maintenance regarding unauthorized encroachments.

Use this primary Activity Code:

2037—Work related to unauthorized encroachments

937700 – 3EPCS *Customer Service*

This E.A. and activity is normally used for time expended that is not charged to a specific permit, for example:

- Preliminary conceptual meetings and communication with applicants regarding contemplated permit work before application submission..
- Meetings and communication with permit applicants before and after application submittal to resolve disagreements regarding permit conditions before permit issuance.
- Responding to public inquiries.
- Preparing studies and reports for district or headquarters use
- Travel time to and from the encroachment site while performing review or inspection.
- Cursory review by Right of Way of proposed property dedication to the Department before encroachment permit application submittal.
- Travel time to the encroachment site for inspection or review.
- Appeals to the District Director.

Use this primary Activity Code:

2003—Customer Service